



General Assembly

January Session, 2003

Raised Bill No. 6563

LCO No. 3753

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING DEFIANT, REBELLIOUS AND
NONDELINQUENT TEENS BETWEEN THE AGES OF THIRTEEN AND
EIGHTEEN.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-120 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 The terms used in this chapter shall, in its interpretation and in the
4 interpretation of other statutes, be defined as follows, unless the
5 context otherwise requires:

6 (1) "Child" means any person under [sixteen] eighteen years of age
7 and, for purposes of delinquency matters, "child" means any person
8 [(A) under sixteen years of age, or (B) sixteen] eighteen years of age or
9 [older] younger who, prior to attaining [sixteen] eighteen years of age,
10 has violated any federal or state law or municipal or local ordinance,
11 other than [an ordinance regulating behavior of a child in a family
12 with service needs, and, subsequent to attaining sixteen years of age,
13 violates] a motor vehicle infraction, or has violated any order of the
14 Superior Court or any condition of probation ordered by the Superior

15 Court with respect to such delinquency proceeding;

16 (2) ["youth"] "Youth" means any person [sixteen or seventeen years
17 of age] between the ages of thirteen and eighteen;

18 (3) ["youth in crisis"] "Youth in crisis" means (A) any youth who [,
19 within the last two years, (A) has without just cause run away from the
20 parental home or other properly authorized and lawful place of abode,
21 (B) is] (i) has run away, (ii) is defiant, rebellious and beyond the control
22 of his or her parents, guardian or other custodian, or [(C) has four
23 unexcused absences from school in any one month or ten unexcused
24 absences in any school year] (iii) is a truant or habitual truant or, while
25 in school, has been continuously and overtly defiant of school rules
26 and regulations, or (B) any child under the age of thirteen who is a
27 truant or habitual truant or, while in school, has been continuously
28 and overtly defiant of school rules and regulations, but does not
29 include a child or youth who has committed a delinquent act or a
30 serious juvenile offense;

31 (4) ["abused"] "Abused" means that a child or youth (A) has been
32 inflicted with physical injury or injuries other than by accidental
33 means, or (B) has injuries that are at variance with the history given of
34 them, or (C) is in a condition that is the result of maltreatment such as,
35 but not limited to, malnutrition, sexual molestation or exploitation,
36 deprivation of necessities, emotional maltreatment or cruel
37 punishment;

38 (5) [a] A child may be found "mentally deficient" who, by reason of
39 a deficiency of intelligence that has existed from birth or from early
40 age, requires, or will require, for his protection or for the protection of
41 others, special care, supervision and control;

42 (6) [a] A child may be convicted as "delinquent" who has violated
43 (A) any federal or state law or municipal or local ordinance, other than
44 [an ordinance regulating behavior of a child in a family with service
45 needs] a motor vehicle infraction, (B) any order of the Superior Court,

46 or (C) conditions of probation as ordered by the court;

47 (7) [a] A child or youth may be found "dependent" whose home is a
48 suitable one for the child or youth, save for the financial inability of
49 parents, parent, guardian or other person maintaining such home, to
50 provide the specialized care the condition of the child or youth
51 requires;

52 [(8) "family with service needs" means a family that includes a child
53 who (A) has without just cause run away from the parental home or
54 other properly authorized and lawful place of abode, (B) is beyond the
55 control of parent, parents, guardian or other custodian, (C) has
56 engaged in indecent or immoral conduct, (D) is a truant or habitual
57 truant or who, while in school, has been continuously and overtly
58 defiant of school rules and regulations, or (E) is thirteen years of age or
59 older and has engaged in sexual intercourse with another person and
60 such other person is thirteen years of age or older and not more than
61 two years older or younger than such child;]

62 (8) "Run away" means to leave the parental home or other properly
63 authorized and lawful place of abode for at least twenty-four hours
64 without just cause;

65 (9) [a] A child or youth may be found "neglected" who (A) has been
66 abandoned, or (B) is being denied proper care and attention,
67 physically, educationally, emotionally or morally, or (C) is being
68 permitted to live under conditions, circumstances or associations
69 injurious to the well-being of the child or youth, or (D) has been
70 abused;

71 (10) [a] A child or youth may be found "uncared for" who is
72 homeless or whose home cannot provide the specialized care that the
73 physical, emotional or mental condition of the child requires. For the
74 purposes of this section, the treatment of any child by an accredited
75 Christian Science practitioner in lieu of treatment by a licensed
76 practitioner of the healing arts, shall not of itself constitute neglect or

77 maltreatment;

78 (11) ["delinquent act"] "Delinquent act" means the violation of any
79 federal or state law or municipal or local ordinance, other than [an
80 ordinance regulating the behavior of a child in a family with service
81 needs] a motor vehicle infraction, or the violation of any order of the
82 Superior Court;

83 (12) ["serious juvenile offense"] "Serious juvenile offense" means (A)
84 the violation, [by a child,] including attempt or conspiracy to violate,
85 [sections] by a child of section 21a-277, 21a-278, 29-33, 29-34, 29-35,
86 53-21, 53-80a, 53-202b [,] or 53-202c, sections 53-390 to 53-392, inclusive,
87 53a-54a to 53a-57, inclusive, 53a-59 to 53a-60c, inclusive, or 53a-70 to
88 53a-71, inclusive, section 53a-72b [,] or 53a-86, sections 53a-92 to
89 53a-94a, inclusive, section 53a-95, 53a-101, 53a-102a [,] or 53a-103a,
90 sections 53a-111 to 53a-113, inclusive, subdivision (1) of subsection (a)
91 of section 53a-122, subdivision (3) of subsection (a) of section 53a-123,
92 section 53a-134, 53a-135, 53a-136a, 53a-166 [,] or 53a-167c, subsection
93 (a) of section 53a-174 [,] or section 53a-196a, 53a-211, 53a-212, 53a-216
94 or 53a-217b, or (B) running away, without just cause, from any secure
95 placement other than home while referred as a delinquent child to the
96 Court Support Services Division or committed as a delinquent child to
97 the Commissioner of Children and Families for a serious juvenile
98 offense;

99 (13) ["serious juvenile offender"] "Serious juvenile offender" means
100 any child convicted as delinquent for commission of a serious juvenile
101 offense;

102 (14) ["serious juvenile repeat offender"] "Serious juvenile repeat
103 offender" means any child charged with the commission of any felony
104 if such child has previously been convicted delinquent at any age for
105 two violations of any provision of title 21a, 29, 53 or 53a that is
106 designated as a felony;

107 (15) ["alcohol-dependent child"] "Alcohol-dependent child" means

108 any child who has a psychoactive substance dependence on alcohol as
109 that condition is defined in the most recent edition of the American
110 Psychiatric Association's "Diagnostic and Statistical Manual of Mental
111 Disorders"; [and]

112 (16) ["drug-dependent child"] "Drug-dependent child" means any
113 child who has a psychoactive substance dependence on drugs as that
114 condition is defined in the most recent edition of the American
115 Psychiatric Association's "Diagnostic and Statistical Manual of Mental
116 Disorders", [No] provided no child shall be classified as drug
117 dependent who is dependent (A) upon a morphine-type substance as
118 an incident to current medical treatment of a demonstrable physical
119 disorder other than drug dependence, or (B) upon amphetamine-type,
120 ataractic, barbiturate-type, hallucinogenic or other stimulant and
121 depressant substances as an incident to current medical treatment of a
122 demonstrable physical or psychological disorder, or both, other than
123 drug dependence;

124 (17) "Truant" means a child or youth who is enrolled in a public or
125 private school and has four unexcused absences from school in any
126 one month or ten unexcused absences from school in any school year;
127 and

128 (18) "Habitual truant" means a child or youth who is enrolled in a
129 public or private school and has twenty unexcused absences from
130 school in any school year.

131 Sec. 2. Subsection (a) of section 46b-121 of the general statutes is
132 repealed and the following is substituted in lieu thereof (*Effective*
133 *October 1, 2003*):

134 (a) (1) Juvenile matters in the civil session include;

135 (A) Except as provided in subparagraph (B) of this subdivision, all
136 proceedings concerning uncared-for, neglected or dependent children
137 and youth within this state, termination of parental rights of children

138 committed to a state agency, [matters concerning families with service
139 needs,] contested matters involving termination of parental rights or
140 removal of guardian transferred from the Probate Court, the
141 emancipation of minors and youth in crisis, but does not include
142 matters of guardianship and adoption or matters affecting property
143 rights of any child, youth or youth in crisis over which the Probate
144 Court has jurisdiction, provided appeals from probate concerning
145 adoption, termination of parental rights and removal of a parent as
146 guardian shall be included; and

147 (B) All proceedings concerning youth in crisis and not involving a
148 commitment to the Department of Children and Families or a
149 termination of parental or custodial rights. All proceedings under this
150 subparagraph shall be heard in a docket separate from other juvenile
151 matters in the civil session, except for proceedings involving truancy
152 heard pursuant to section 51-181d, as amended by this act.

153 (2) Juvenile matters in the criminal session include all proceedings
154 concerning delinquent children in the state and persons [sixteen]
155 eighteen years of age [and older] or younger who are under the
156 supervision of a juvenile probation officer while on probation or a
157 suspended commitment to the Department of Children and Families,
158 for purposes of enforcing any court orders entered as part of such
159 probation or suspended commitment.

160 Sec. 3. Section 46b-121b of the general statutes is repealed and the
161 following is substituted in lieu thereof (*Effective October 1, 2003*):

162 (a) The Division of Criminal Justice shall have charge of all
163 proceedings concerning juvenile matters in the criminal session of the
164 Superior Court. [and all proceedings concerning families with service
165 needs in the civil session of the Superior Court.]

166 (b) The Attorney General shall have charge of all proceedings
167 concerning juvenile matters in the civil session of the Superior Court.

168 Sec. 4. Section 46b-121i of the general statutes is repealed and the
169 following is substituted in lieu thereof (*Effective October 1, 2003*):

170 (a) The Judicial Department shall:

171 (1) Coordinate programs and services of the juvenile justice system
172 with other state and municipal agencies, boards and commissions;

173 (2) Develop and use intake and assessment procedures for the
174 evaluation of juveniles;

175 (3) Provide case management for juveniles;

176 (4) Provide pretrial diversion and postconviction programs;

177 (5) Coordinate community-based services for juveniles and their
178 families which promote appropriate reintegration of the juvenile with
179 his family, school and community; and

180 (6) Provide other programs and services necessary to the juvenile
181 justice system.

182 (b) In developing its programs, the Judicial Department shall:

183 (1) Develop risk and assessment instruments for use in determining
184 the need for detention or other placement at the time a juvenile enters
185 the system;

186 (2) Develop a case classification process to include the establishment
187 of classification program levels and case management standards for
188 each program level. A program level is based on the needs of the
189 juvenile, his potential to be dangerous and his risk of offending
190 further;

191 (3) Develop a purchase-of-care system, which will facilitate the
192 development of a state-wide community-based continuum of care,
193 with the involvement of the private sector and the local public sector.
194 Care services may be purchased from private providers to provide a

195 wider diversity of services. This system shall include accessing Title
196 IV-E funds of the federal Social Security Act, as amended, new
197 Medicaid funds and other funding sources to support eligible
198 community-based services. Such services developed and purchased
199 shall include, but not be limited to, evaluation services which shall be
200 available on a geographically accessible basis across the state.

201 (c) The Judicial Department shall, within available appropriations,
202 prepare and make available to the public a pamphlet describing the
203 rights of parents and youths and the power of the court with respect to
204 youths who are defiant, rebellious and beyond the control of their
205 parents, guardians or other custodians.

206 (d) The Judicial Department shall establish a protocol for matters
207 before the court involving youths who are defiant, rebellious and
208 beyond the control of their parents, guardians or other custodians.
209 Such protocol shall include, but not be limited to: (1) Mandatory
210 referral for substance abuse assessment, if warranted; (2) referral to the
211 appropriate school district for a planning and placement team meeting,
212 if warranted; and (3) referral for psychological evaluation of the youth
213 and the parent or parents, with the interaction of both youth and
214 parent, and, if feasible, family therapy with the agreement of the youth
215 and the parent or parents.

216 Sec. 5. Section 46b-123 of the general statutes is repealed and the
217 following is substituted in lieu thereof (*Effective October 1, 2003*):

218 (a) The judges of the Superior Court, or in the discretion of the Chief
219 Court Administrator, a committee of said judges designated by the
220 Chief Court Administrator, shall appoint such probation officers,
221 probation aides, clerks, detention personnel, clerical assistants and
222 other personnel, including supervisory staff, as they deem necessary
223 for the treatment and handling of juvenile matters within the venue
224 districts established under section 46b-142. The Chief Court
225 Administrator may assign, reassign and modify the assignments of
226 such personnel and assign such duties within the Superior Court as he

227 deems necessary for the efficient operation of the courts. Any person
228 serving in any such capacity in the Juvenile Court on July 1, 1978, shall
229 continue to serve in the Superior Court at the compensation he was
230 receiving in the Juvenile Court under the compensation plan
231 established pursuant to section 51-12, for the remainder of any term to
232 which he was appointed. In no event shall the compensation of any
233 such person be affected solely as a result of the transfer of jurisdiction
234 in section 51-164s. Any of such appointees may be discharged by the
235 appointing authority for cause and after hearing. The salaries of each
236 of such officials shall be fixed by the judges, subject to the provisions
237 of section 51-12.

238 (b) The Chief Court Administrator shall assign, in each of five
239 districts established under section 46b-142 that have the highest
240 number of youth in crisis, but excluding the number of truants and
241 habitual truants, a probation officer who shall be trained and specialize
242 in matters involving youths who are defiant, rebellious and beyond the
243 control of their parents, guardians or other custodians.

244 (c) All judges and personnel appointed for the treatment and
245 handling of juvenile matters within the districts established under
246 section 46b-142 shall receive not less than twenty hours of training per
247 year in handling matters involving youths who are defiant, rebellious
248 and beyond the control of their parents, guardians or other custodians.

249 Sec. 6. Subsection (c) of section 46b-127 of the general statutes is
250 repealed and the following is substituted in lieu thereof (*Effective*
251 *October 1, 2003*):

252 (c) Upon the effectuation of the transfer, such child shall stand trial
253 and be sentenced, if convicted, as if he were [sixteen] eighteen years of
254 age. Such child shall receive credit against any sentence imposed for
255 time served in a juvenile facility prior to the effectuation of the
256 transfer. A child who has been transferred may enter a guilty plea to a
257 lesser offense if the court finds that such plea is made knowingly and
258 voluntarily. Any child transferred to the regular criminal docket who

259 pleads guilty to a lesser offense shall not resume his status as a juvenile
260 regarding said offense. If the action is dismissed or nolloed or if such
261 child is found not guilty of the charge for which he was transferred or
262 of any lesser included offenses, the child shall resume his status as a
263 juvenile until he attains the age of [sixteen] eighteen years.

264 Sec. 7. Subsection (f) of section 46b-133c of the general statutes is
265 repealed and the following is substituted in lieu thereof (*Effective*
266 *October 1, 2003*):

267 (f) Whenever a proceeding has been designated a serious juvenile
268 repeat offender prosecution pursuant to subsection (b) of this section
269 and the child does not waive his right to a trial by jury, the court shall
270 transfer the case from the docket for juvenile matters to the regular
271 criminal docket of the Superior Court. Upon transfer, such child shall
272 stand trial and be sentenced, if convicted, as if he were [sixteen]
273 eighteen years of age, except that no such child shall be placed in a
274 correctional facility but shall be maintained in a facility for children
275 and youth until he attains [sixteen] eighteen years of age or until he is
276 sentenced, whichever occurs first. Such child shall receive credit
277 against any sentence imposed for time served in a juvenile facility
278 prior to the effectuation of the transfer. A child who has been
279 transferred may enter a guilty plea to a lesser offense if the court finds
280 that such plea is made knowingly and voluntarily. Any child
281 transferred to the regular criminal docket who pleads guilty to a lesser
282 offense shall not resume his status as a juvenile regarding said offense.
283 If the action is dismissed or nolloed or if such child is found not guilty
284 of the charge for which he was transferred, the child shall resume his
285 status as a juvenile until he attains [sixteen] eighteen years of age.

286 Sec. 8. Subsection (f) of section 46b-133d of the general statutes is
287 repealed and the following is substituted in lieu thereof (*Effective*
288 *October 1, 2003*):

289 (f) When a proceeding has been designated a serious sexual
290 offender prosecution pursuant to subsection (c) of this section and the

291 child does not waive the right to a trial by jury, the court shall transfer
 292 the case from the docket for juvenile matters to the regular criminal
 293 docket of the Superior Court. Upon transfer, such child shall stand trial
 294 and be sentenced, if convicted, as if such child were [sixteen] eighteen
 295 years of age, except that no such child shall be placed in a correctional
 296 facility but shall be maintained in a facility for children and youth until
 297 such child attains [sixteen] eighteen years of age or until such child is
 298 sentenced, whichever occurs first. Such child shall receive credit
 299 against any sentence imposed for time served in a juvenile facility
 300 prior to the effectuation of the transfer. A child who has been
 301 transferred may enter a guilty plea to a lesser offense if the court finds
 302 that such plea is made knowingly and voluntarily. Any child
 303 transferred to the regular criminal docket who pleads guilty to a lesser
 304 offense shall not resume such child's status as a juvenile regarding
 305 such offense. If the action is dismissed or nolle or if such child is
 306 found not guilty of the charge for which such child was transferred,
 307 the child shall resume such child's status as a juvenile until such child
 308 attains [sixteen] eighteen years of age.

309 Sec. 9. Subsection (g) of section 46b-140 of the general statutes is
 310 repealed and the following is substituted in lieu thereof (*Effective*
 311 *October 1, 2003*):

312 (g) Any child or youth coming within the jurisdiction of the court,
 313 who is found to be mentally ill, may be committed by [said] the court
 314 to the Commissioner of Children and Families and, if the court
 315 convicts a child as delinquent and finds such child to be mentally
 316 deficient, [it] the court may commit such child to an institution for
 317 mentally deficient children or youth or delinquents. Whenever it is
 318 found that a child convicted by the court as delinquent [or adjudged
 319 by the court to be a member of a family with service needs] who is
 320 fourteen years of age or older would not benefit from continued school
 321 attendance, the court may order such child to be placed on vocational
 322 probation if [such] the court finds that such child may properly be
 323 employed for part or full-time at some useful occupation and that such

324 employment would be favorable to such child's welfare, and the
325 probation officer shall supervise such employment. For the purposes
326 of this section, the limitations of subsection (a) of section 31-23 on the
327 employment of minors under the age of sixteen years shall not apply
328 for the duration of such vocational probation.

329 Sec. 10. Section 46b-146 of the general statutes is repealed and the
330 following is substituted in lieu thereof (*Effective October 1, 2003*):

331 Whenever any child has been found delinquent or [a member of a
332 family with service needs] to be a youth in crisis, and has subsequently
333 been discharged from the supervision of the Superior Court or from
334 the custody of the Department of Children and Families or from the
335 care of any other institution or agency to whom he has been committed
336 by the court, such child, or his parent or guardian, may file a petition
337 with the Superior Court and, if [such] the court finds that at least two
338 years or, in the case of a child convicted as delinquent for the
339 commission of a serious juvenile offense, four years have elapsed from
340 the date of such discharge, that no subsequent juvenile proceeding has
341 been instituted against such child, that such child has not been found
342 guilty of a crime and that such child has reached [sixteen] eighteen
343 years of age within such period, [it] the court shall order all police and
344 court records pertaining to such child to be erased. Upon the entry of
345 such an erasure order, all references including arrest, complaint,
346 referrals, petitions, reports and orders, shall be removed from all
347 agency, official and institutional files, and a finding of delinquency or
348 that the child was a [member of a family with service needs] youth in
349 crisis shall be deemed never to have occurred. The persons in charge of
350 such records shall not disclose to any person information pertaining to
351 the record so erased, except that the fact of such erasure may be
352 substantiated where, in the opinion of the court, it is in the best
353 interests of such child to do so. No child who has been the subject of
354 such an erasure order shall be deemed to have been arrested ab initio,
355 within the meaning of the general statutes, with respect to proceedings
356 so erased. Copies of the erasure order shall be sent to all persons,

357 agencies, officials or institutions known to have information pertaining
358 to the delinquency or [family with service needs] youth in crisis
359 proceedings affecting such child. Whenever a child is dismissed as not
360 delinquent or as not being a [member of a family with service needs]
361 youth in crisis, all police and court records pertaining to such charge or
362 matter shall be ordered erased immediately, without the filing of a
363 petition.

364 Sec. 11. Section 46b-149b of the general statutes is repealed and the
365 following is substituted in lieu thereof (*Effective October 1, 2003*):

366 (a) Any police officer or any official of a municipal or community
367 agency, who in the course of his employment under subsection (d) of
368 section 17a-15 or section 46b-120, 46b-121, [46b-149, 46b-149a,] 46b-150f
369 or 46b-150g, as amended by this act, provides assistance to a child or a
370 family in need thereof, shall not be liable to such child or such family
371 for civil damages for any personal injuries which result from the
372 voluntary termination of service by the child or the family.

373 (b) Each municipal police department and the Division of State
374 Police within the Department of Public Safety shall implement a
375 uniform protocol for providing intervention and assistance in matters
376 involving youths who are defiant, rebellious and beyond the control of
377 their parents, guardians or other custodians. Such uniform protocol
378 shall be developed by the Police Officer Standards and Training
379 Council.

380 Sec. 12. Section 46b-149c of the general statutes is repealed and the
381 following is substituted in lieu thereof (*Effective October 1, 2003*):

382 (a) With respect to truancy and other [family with service needs]
383 youth in crisis cases, the judicial branch shall:

384 (1) Coordinate programs and services with other state agencies;

385 (2) Establish protocols in cooperation with the Office of Policy and
386 Management, the Department of Children and Families and the

387 Department of Education for referral to community-based intervention
388 programs prior to referral of a case to the superior court for juvenile
389 matters;

390 (3) Develop and use procedures to evaluate the risk and service
391 needs of children whose cases have been referred to the superior court
392 for juvenile matters; and

393 (4) Collaborate with community-based programs.

394 (b) The Chief Court Administrator, in cooperation with the
395 Department of Education, shall encourage the adoption and
396 implementation by each local and regional board of education of a
397 uniform policy under subsection (b) of section 10-198a concerning the
398 filing of complaints with the Superior Court pursuant to section 46b-
399 150f, as amended by this act.

400 Sec. 13. Subsection (c) of section 46b-149d of the general statutes is
401 repealed and the following is substituted in lieu thereof (*Effective*
402 *October 1, 2003*):

403 (c) For those communities who have been awarded a grant pursuant
404 to subsection (b) of this section, and established community truancy
405 prevention initiatives, the Chief Court Administrator may establish a
406 truancy or [family with service needs] youth in crisis docket and the
407 Court Support Services Division shall, within available appropriations,
408 make available to such communities the following: (1) A risk and
409 needs assessment tool; and (2) funding for nonjudicial diversion of
410 appropriate truancy cases to youth service bureaus and juvenile
411 review boards. For court sanctioned intervention programs, the Court
412 Support Services Division shall: (A) Provide parenting education
413 programs; (B) expand existing programs to serve truancy cases; (C)
414 provide intensive outreach and monitoring, including intensive
415 probation services for chronic truancy cases; (D) provide for mental
416 health assessment and outpatient mental health and substance abuse
417 services; and (E) provide for short-term emergency residential

418 placement for children with multiple referrals to the juvenile court for
419 truancy, being beyond control and for being runaways.

420 Sec. 14. Section 46b-150f of the general statutes is repealed and the
421 following is substituted in lieu thereof (*Effective October 1, 2003*):

422 (a) For the purposes of this section and section 46b-150g, as
423 amended by this act, "youth" includes a child under the age of thirteen
424 who is a truant or habitual truant or who, while in school, has been
425 continuously and overtly defiant of school rules and regulations. Any
426 selectman, town manager, police officer or welfare department of any
427 town, city or borough, probation officer, superintendent of schools,
428 any child-caring institution or agency approved or licensed by the
429 Commissioner of Children and Families, any youth service bureau, a
430 parent or foster parent of a youth, or a youth or the representative or
431 attorney of such youth, who believes that the acts or omissions of a
432 youth are such that such youth is a youth in crisis may file a written
433 complaint setting forth those facts with the Superior Court which has
434 venue over that matter.

435 (b) The court shall refer a complaint filed under subsection (a) of
436 this section to a probation officer, who shall promptly determine
437 whether it appears that the alleged facts, if true, would be sufficient to
438 meet the definition of a youth in crisis, provided a complaint alleging
439 that a youth is a truant or habitual truant shall not be determined to be
440 insufficient to meet the definition of a youth in crisis solely because it
441 was filed during the months of April, May or June. If such probation
442 officer so determines, the probation officer shall promptly either (1)
443 refer the matter, with the consent of the youth and the youth's parents
444 or guardian, to a suitable community-based or other service provider,
445 or (2) file a petition with the court in the manner prescribed in
446 subsection (c) of this section. In either case, the probation officer shall
447 inform the complainant in writing of the probation officer's action. If it
448 appears that the allegations are not true, or that the youth does not
449 meet the definition of a youth in crisis, the probation officer shall

450 inform the complainant in writing of such finding. In any case in
451 which the probation officer does not file a petition, the probation
452 officer shall also inform the complainant of the right of such
453 complainant to file a petition pursuant to subsection (c) of this section.
454 Any person who has filed a complaint pursuant to subsection (a) of
455 this section, and who has been notified by a probation officer that such
456 probation officer does not intend to file a petition for a youth in crisis
457 proceeding may, within thirty days after mailing of such notice, file a
458 petition under subsection (c) of this section.

459 [(b)] (c) A petition alleging that a youth is a youth in crisis shall be
460 verified and filed with the Superior Court which has venue over the
461 matter. The petition shall set forth plainly: (1) The facts which bring
462 the youth within the jurisdiction of the court; (2) the name, date of
463 birth, sex and residence of the youth; (3) the name and residence of the
464 youth's parent or parents, guardian or other person having control of
465 the youth; and (4) a prayer for appropriate action by the court in
466 conformity with the provisions of this section.

467 [(c) Upon determination that a youth is a youth in crisis in
468 accordance with policies established by the Chief Court Administrator,
469 the court may make and enforce orders, including, but not limited to,
470 orders: (1) Prohibiting the youth in crisis from driving a motor vehicle
471 for a time determined by the court; (2) requiring work or specified
472 community service; (3) mandating that the youth in crisis attend an
473 educational program in the local community approved by the court;
474 and (4) requiring mental health services. A youth in crisis found to be
475 in violation of any order under this section shall not be considered to
476 be delinquent and shall not be punished by the court by incarceration
477 in any state-operated detention facility or correctional facility.]

478 (d) When a petition is filed under subsection (c) of this section, the
479 court may issue a summons to the youth and the youth's parents,
480 guardian or other person having control of the youth to appear in
481 court at a specified time and place. The summons shall be signed by a

482 judge or by the clerk or assistant clerk of the court, and a copy of the
483 petition shall be attached to such summons. Whenever it appears to
484 the judge that orders addressed to an adult, as set forth in section 46b-
485 121, as amended by this act, are necessary for the welfare of such
486 youth, a similar summons shall be issued and served upon such adult
487 if the adult is not already in court. Service of summons shall be made
488 in accordance with section 46b-128. The court may punish for
489 contempt, as provided in section 46b-121, as amended by this act, any
490 parent, guardian or other person so summoned who fails to appear in
491 court at the time and place so specified. If a petition is filed under
492 subsection (c) of this section alleging that a youth is a youth in crisis
493 because the youth is a truant or habitual truant, the court may not
494 dismiss such petition solely because it was filed during the months of
495 April, May or June.

496 (e) When a petition is filed under subsection (c) of this section
497 alleging that a youth is a youth in crisis because the youth has been
498 habitually truant, the court shall order that the local or regional board
499 of education for the town in which the youth resides, or the private
500 school in the case of a youth enrolled in a private school, shall cause an
501 educational evaluation of such youth to be performed if no such
502 evaluation has been performed within the preceding year. Any costs
503 incurred for the performance of such evaluation shall be borne by such
504 local or regional board of education or such private school. A youth or
505 the youth's parent or parents, guardian or other person having control
506 of the youth shall have a cause of action for damages or other remedy,
507 costs and reasonable attorney's fees if the local or regional board of
508 education or private school fails to cause such educational evaluation
509 to be performed in violation of such order or the court fails to order
510 such educational evaluation in accordance with this subsection.

511 (f) If it appears from the allegations of a petition or other sworn
512 affirmations that there is: (1) A strong probability that the youth may
513 do something that is injurious to himself or herself prior to court
514 disposition; (2) a strong probability that the youth will run away prior

515 to the hearing; or (3) a need to hold the youth for another jurisdiction,
516 a judge may vest temporary custody of such youth in some suitable
517 person or agency. No nondelinquent juvenile runaway from another
518 state may be held in a state-operated detention home in accordance
519 with the provisions of the Interstate Compact on Juveniles, sections
520 46b-151 to 46b-151g, inclusive. A hearing on temporary custody shall
521 be held not later than ten days after the date on which a judge signs an
522 order of temporary custody. Following such hearing, the judge may
523 order that the youth's temporary custody continue to be vested in
524 some suitable person or agency. Any expenses of temporary custody
525 shall be paid in the same manner as provided in subsection (b) of
526 section 46b-129.

527 (g) If it appears that the interests of the youth or the youth's family
528 may be best served, prior to adjudication, by a referral to community-
529 based or other services, the judge may permit the matter to be
530 continued for a period not to exceed three months. If it appears at the
531 conclusion of the continuance that the matter has been satisfactorily
532 resolved, the judge may dismiss the petition.

533 (h) If the court finds, based on clear and convincing evidence, that
534 the youth is a youth in crisis, the court may, in addition to issuing any
535 orders under section 46b-121, as amended by this act: (1) Refer the
536 youth to the Department of Children and Families for any voluntary
537 services provided by the department or, if the youth is a youth in crisis
538 solely as a result of a finding that the youth is a truant or habitual
539 truant, to the authorities of the local or regional school district or
540 private school for services provided by such school district or such
541 school, which services may include summer school, or to community
542 agencies providing child and family services; (2) commit the youth to
543 the care and custody of the Commissioner of Children and Families for
544 an indefinite period not to exceed eighteen months; (3) order the youth
545 to remain in his or her own home or in the custody of a relative or any
546 other suitable person (A) subject to the supervision of a probation
547 officer, or (B) in the case of a youth that is a youth in crisis solely as a

548 result of a finding that the youth is a truant or habitual truant, subject
549 to the supervision of a probation officer and the authorities of the local
550 or regional school district or private school; (4) if the youth is a youth
551 in crisis as a result of the youth engaging in sexual intercourse with
552 another person and such other person is thirteen years of age or older
553 and not more than two years older or younger than such youth, (A)
554 refer the youth to a youth service bureau or other appropriate service
555 agency for participation in a program such as a teen pregnancy
556 program or a sexually transmitted disease program, and (B) require
557 such youth to perform community service such as service in a hospital,
558 an AIDS prevention program or an obstetrical and gynecological
559 program; (5) prohibit the youth from driving a motor vehicle for a time
560 determined by the court; (6) require work or specified community
561 service; (7) require that the youth attend an educational program
562 approved by the court in the local community; (8) require mental
563 health services; or (9) declare that the youth is emancipated, provided
564 (A) the youth is sixteen years of age or older, (B) the youth has a
565 history of not less than four instances of judicial intervention under
566 this section and has failed to cooperate with orders of the court in each
567 instance, and (C) the parent, guardian or other person having control
568 of the youth has requested such emancipation. If the court issues any
569 order which regulates future conduct of the youth, parent or guardian,
570 the youth, parent or guardian shall receive adequate and fair warning
571 of the consequences of violation of the order at the time it is issued,
572 and such warning shall be provided in writing to the youth, parent or
573 guardian, to his or her attorney and, in the case of an order regulating
574 future conduct of the youth, to the youth's parents, guardian or other
575 person having control of the youth, and shall be reflected in the court
576 record and proceedings. A youth in crisis found to be in violation of
577 any order under this section shall not be considered to be delinquent
578 and shall not be punished by the court by incarceration in any state-
579 operated detention facility or correctional facility.

580 (i) (1) The Commissioner of Children and Families may petition the
581 court for an extension of a commitment under this section on the

582 grounds that an extension would be in the best interest of the youth.
 583 The court shall give notice to the youth and the youth's parent or
 584 guardian at least fourteen days prior to the hearing upon such petition.
 585 The court may, after hearing and upon finding that such extension is in
 586 the best interest of the youth, continue the commitment for an
 587 additional indefinite period of not more than eighteen months.

588 (2) The Commissioner of Children and Families may at any time
 589 petition the court to discharge a youth committed under this section,
 590 and any youth committed to the commissioner under this section, or
 591 the parent or guardian of such youth, may at any time but not more
 592 often than once every six months petition the court which committed
 593 the youth to revoke such commitment. The court shall notify the
 594 youth, the youth's parent or guardian and the commissioner of any
 595 petition filed under this subsection and of the time when a hearing on
 596 such petition will be held. Any order of the court made under this
 597 subsection shall be deemed a final order for purposes of appeal, except
 598 that no bond shall be required nor costs taxed on such appeal.

599 [(d)] (j) The Judicial Department may use any funds appropriated
 600 for purposes of this chapter for costs incurred by the department or the
 601 court pursuant to this section.

602 (k) Any program developed by the Court Support Services Division
 603 for youth in crisis under this section shall be gender specific, as
 604 necessary, and shall comprehensively address the unique needs of a
 605 targeted gender group.

606 Sec. 15. Section 46b-150g of the general statutes is repealed and the
 607 following is substituted in lieu thereof (*Effective October 1, 2003*):

608 (a) Any police officer who receives a report from the parent or
 609 guardian of a youth determined to be a youth in crisis [, as defined in
 610 section 46b-120, may] shall attempt to locate the youth in crisis. If the
 611 officer locates such youth in crisis, such officer [may] shall report the
 612 location of the youth to the parent or guardian in accordance with the

613 provisions of federal and state law after such officer determines that
 614 such report does not place the youth in any physical or emotional
 615 harm. In addition the police officer [may] shall respond in one of the
 616 following ways: (1) Transport the youth in crisis to the home of the
 617 child's parent or guardian or any other person; (2) refer the youth in
 618 crisis to the superior court for juvenile matters in the district where the
 619 youth in crisis is located; (3) hold the youth in crisis in protective
 620 custody for a maximum period of twelve hours until the officer can
 621 determine a more suitable disposition of the matter, provided (A) the
 622 youth in crisis is not held in any cell designed or used for adults, and
 623 (B) the officer [may] shall not release the youth in crisis [at any time
 624 without taking further action] to the parent or guardian of the youth in
 625 crisis during such twelve-hour period; or (4) transport or refer a youth
 626 in crisis to any public or private agency serving children, with or
 627 without the agreement of the youth in crisis. If a youth in crisis is
 628 transported or referred to an agency pursuant to this section, such
 629 agency shall provide temporary services to the youth in crisis unless or
 630 until the parent or guardian of the youth in crisis at any time refuses to
 631 agree to those services. Such agency shall be immune from any
 632 liability, civil or criminal, which might otherwise be incurred or
 633 imposed, provided such services are provided in good faith and in a
 634 nonnegligent manner.

635 (b) Any police officer acting in accordance with the provisions of
 636 this section shall be deemed to be acting in the course of the police
 637 officer's official duties.

638 Sec. 16. (NEW) (*Effective October 1, 2003*) The Department of Mental
 639 Health and Addiction Services shall, within available appropriations,
 640 establish five regional safe harbor group homes for the temporary
 641 placement of youths who are not committed to the care and custody of
 642 the Commissioner of Children and Families and are unable to return to
 643 their homes or other safe environment. One of such group homes shall
 644 be for youths who have been convicted of delinquent acts. One of such
 645 group homes shall be for youths who are truants or habitual truants.

646 Three of such group homes, one of which shall be named "Makalya's
647 House", shall be for youths who are youths in crisis, other than truants
648 or habitual truants. Residents of such group homes shall be provided
649 with such services, including, but not limited to, substance abuse
650 treatment and counseling, educational programs and mental health
651 services, as determined by the court.

652 Sec. 17. Subsection (c) of section 10-198a of the general statutes is
653 repealed and the following is substituted in lieu thereof (*Effective*
654 *October 1, 2003*):

655 (c) If the parent or other person having control of a child who is a
656 truant fails to attend the meeting held pursuant to subdivision (1) of
657 subsection (b) of this section or if such parent or other person
658 otherwise fails to cooperate with the school in attempting to solve the
659 truancy problem, such policies and procedures shall require the
660 superintendent of schools to file for each such truant enrolled in the
661 schools under his jurisdiction a written complaint with the Superior
662 Court pursuant to section [46b-149] 46b-150f, as amended by this act,
663 alleging the belief that the acts or omissions of the child are such that
664 [his family is a family with service needs] the child is a youth in crisis.

665 Sec. 18. Subdivision (11) of subsection (g) of section 17a-28 of the
666 general statutes is repealed and the following is substituted in lieu
667 thereof (*Effective October 1, 2003*):

668 (11) A judge of the Superior Court for purposes of determining the
669 appropriate disposition of a child convicted as delinquent or a [child
670 who is a member of a family with service needs] youth who is a youth
671 in crisis.

672 Sec. 19. Subsection (a) of section 17a-125 of the general statutes is
673 repealed and the following is substituted in lieu thereof (*Effective*
674 *October 1, 2003*):

675 (a) There is established an Out-of-Home Placements Advisory

676 Council. The council shall advise and make recommendations to the
677 Governor, the General Assembly and the Commissioner of Children
678 and Families concerning: (1) The Department of Children and Families'
679 placement processes and policies, including, but not limited to, policies
680 regarding foster care and therapeutic foster care, residential treatment,
681 group home and transitional living services, emergency shelter and
682 inpatient mental health placements; (2) the placement resources
683 needed for the populations and age groups the department serves,
684 including a discussion of resources needed for populations that (A)
685 have been abused, neglected or are at-risk, (B) have mental health or
686 substance abuse treatment needs, (C) are delinquent, (D) are [members
687 of a family with service needs] youth in crisis, (E) are committed to the
688 department, or (F) are receiving voluntary services or services through
689 the noncommitted treatment program; (3) the geographic availability
690 of placement services; (4) the availability of culturally competent
691 services and appropriate services for children with complex medical
692 needs or physical or developmental disabilities; (5) eligibility and
693 utilization standards for out-of-home care options and eligibility and
694 utilization standards for the populations and age groups the
695 department serves; (6) the impact of the policies and processes of the
696 department on the availability of timely and appropriate access to
697 services; (7) an examination of quality assurance measures; (8) the
698 amount of family or guardian input with respect to placement options
699 and service providers; (9) the timeliness and effectiveness of client and
700 family or guardian grievance procedures; (10) the degree of
701 coordination with other state and local agencies and private
702 organizations having responsibility for populations or age groups the
703 department serves; and (11) other issues relating to out-of-home
704 placements, as the council may deem appropriate.

705 Sec. 20. Subsection (c) of section 31-51i of the general statutes is
706 repealed and the following is substituted in lieu thereof (*Effective*
707 *October 1, 2003*):

708 (c) An employment application form that contains any question

709 concerning the criminal history of the applicant shall contain a notice,
 710 in clear and conspicuous language: (1) That the applicant is not
 711 required to disclose the existence of any arrest, criminal charge or
 712 conviction, the records of which have been erased pursuant to section
 713 46b-146, as amended by this act, 54-76o or 54-142a, (2) that criminal
 714 records subject to erasure pursuant to section 46b-146, as amended by
 715 this act, 54-76o or 54-142a are records pertaining to a finding of
 716 delinquency, [or that a child was a member of a family with service
 717 needs,] an adjudication as a youthful offender, a criminal charge that
 718 has been dismissed or nolle, a criminal charge for which the person
 719 has been found not guilty or a conviction for which the person
 720 received an absolute pardon, and (3) that any person whose criminal
 721 records have been erased pursuant to section 46b-146, as amended by
 722 this act, 54-76o or 54-142a shall be deemed to have never been arrested
 723 within the meaning of the general statutes with respect to the
 724 proceedings so erased and may so swear under oath.

725 Sec. 21. Section 51-181d of the general statutes is repealed and the
 726 following is substituted in lieu thereof (*Effective October 1, 2003*):

727 (a) The Chief Court Administrator shall designate a docket separate
 728 from the other juvenile matters for the hearing of truancy matters and
 729 petitions involving truancy filed pursuant to section [46b-149] 46b-
 730 150f, as amended by this act, in court locations throughout the state.

731 (b) The Chief Court Administrator shall establish policies and
 732 procedures to implement such truancy docket.

733 Sec. 22. (*Effective October 1, 2003*) Sections 46b-148, 46b-149 and 46b-
 734 149a of the general statutes are repealed.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>

Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>
Sec. 8	<i>October 1, 2003</i>
Sec. 9	<i>October 1, 2003</i>
Sec. 10	<i>October 1, 2003</i>
Sec. 11	<i>October 1, 2003</i>
Sec. 12	<i>October 1, 2003</i>
Sec. 13	<i>October 1, 2003</i>
Sec. 14	<i>October 1, 2003</i>
Sec. 15	<i>October 1, 2003</i>
Sec. 16	<i>October 1, 2003</i>
Sec. 17	<i>October 1, 2003</i>
Sec. 18	<i>October 1, 2003</i>
Sec. 19	<i>October 1, 2003</i>
Sec. 20	<i>October 1, 2003</i>
Sec. 21	<i>October 1, 2003</i>
Sec. 22	<i>October 1, 2003</i>

Statement of Purpose:

To improve the law concerning youth in crisis and the manner in which noncriminal teenage behavior is addressed in this state.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]